IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 3639 OF 2006.

Hemant Pandurang Kulkarni ..Petitioner.
V/s
The State of Maharahtra & Anr. ..Respondents.

Mr. S.P.Thorat for petitioner.

Mrs. M.P.Thakur, AGP for the respondent Nos. 1 and 2.

CORAM : B.H. MARLAPALLE &
J.H. BHATIA, JJ.

DATE : 19TH DECEMBER, 2006.

P.C.

. We have heard Mr Thorat, the learned Counsel for the petitioner and we have seen the original record placed before us by the learned AGP.

2. We have noted that after the petitioner submitted his application dated 25/4/2000, he was informed in writing that he would not be entitled for pension, as he did not complete 20 years of service and therefore, there was no question of his being entitled for voluntarily retirement. He was called upon to

submit his consent as to whether the said application dated 25/4/2000, be treated as resignation. The learned District Judge again issued the Show Cause Notice and also informed the petitioner, that the so called news paper reports which he relied upon did not amount to amendments in rules and he had to make up his mind.

3. In reply the petitioner reiterated his intention to resign from the Court's Service and therefore, the resignation was accepted by the learned District Judge with effect from 31/5/2000.

4. The petitioner approached this Court in Writ Petition No. 2805/2004, which was disposed off on 22/11/2005 directing the State Government to decide his representation for pension, within a period of eight weeks. Accordingly, the representation was decided and the learned District Judge, vide his letter dated 2/1/2006 communicated the said decision to the petitioner. As per the Government, the petitioner's case does not fall within the purview of Rule 23 of the Maharashtra Services (Pension) Rules, 1982 as this was not a the case, to be treated as most exceptional case.

5. We therefore, see no reason to entertain this petition when the petitioner himself resigned from service on completion of 17 years and 4 months service. The petition is hereby rejected.

6. However, Mr. Thorat, the learned Counsel for the petitioner, submitted that the petitioner desires to submit a representation to the Hon’ble the Chief Justice for appropriate relief. This order will not come in the way of the petitioner to submit a representation.

(J.H. BHATIA, J.) **(B.H. MARLAPALLE, J.)**